

Before the
Federal Communications Commission
Washington, D.C. 20554

In The Matter of)
)
THE 2006 BIENNIAL REVIEW OF) Docket No. 06-
153
TELECOMMUNICATIONS REGULATIONS)
)

**Comments of the American Association of People with Disabilities To the
Commission's Enforcement Bureau (EB)**

AAPD is pleased at the opportunity to provide comments and recommendations in regard to operations or activities of any provider of telecommunications service, and to provide advice in regard to determining whether any such regulation is no longer necessary in the public interest. Due to the short window of time permitted for comments and reply comments, AAPD offers these comments as a response to the August 10 Public Notice (FCC 06-115) and to provide input on matters that are typically not specifically raised in other Notices. AAPD takes seriously the Commission's authority to repeal or modify any regulations that it finds are no longer in the public interest.

The American Association of People with Disabilities (AAPD) is the largest national nonprofit cross-disability member organization in the United States, dedicated to ensuring economic self-sufficiency and political empowerment for the more than 51 million Americans with disabilities. AAPD works in coalition with other disability organizations for the full implementation and enforcement of disability nondiscrimination laws, particularly the Americans with Disabilities Act (ADA) of 1990 and the Rehabilitation Act of 1973, as well as other statutes, such as the disability accessibility mandates in the Communications Act.

Specifically, AAPD is interested in retention and modification of the following regulations:

Part 1 – Practice and Procedure – Sections 1.711 to 1.736, rules for the filing of informal complaints and formal complaints against common carriers.

AAPD supports retention of this Part and is particularly interested in this set of regulations as they are connected to the regulations for Section 255 of the Communications Act (see at 47 CFR Part 6.21 and Part 7.21) where filing requirements at Section 1.720 through 1.736 are invoked. These are the formal filing requirements for complainants alleging violations of Section 255; complainants may either be unsatisfied with the defendant's response to an informal complaint or to the staff decision to terminate action on the informal complaint, see at Sections 6.20(b) and 7.20(b).

Consumers are therefore asked to file formal complaints involving Section 255 using the general pleading requirements at Section 1.720 *et seq.* AAPD notes that consumers are often profoundly confused by this set of regulations, and that it also requires use of FCC Form 485, "Formal Complaint Intake Form," dated 3/6/2002, and which, presumably, assists complainants in filing formal complaints and assists staff in reviewing such filings.

AAPD notes that nowhere in the regulations at Sections 1.720 through 1.736 is there mention or citation to Section 255 and its regulations, nor is there any mention either of the statute or Parts 6 & 7 on Form 485. AAPD notes that other statutory cites are mentioned: for example, on Form 485, Section 271 (d)(6)(b) in question 8; and in the instructions for Form 485, Sections 206 and 209 are cited; likewise in the printed regulations at Sections 1.720 through 1.738, Section 271 is cited.¹

AAPD recommends that the Bureau modify the regulations at Sections 1.720 through 1.736 so that formal complaints under Section 255 are reflected in the regulations. Minimally, AAPD recommends that instructions for filling out any form should reference and explicate formal complaint filing under Section 255. More useful would be a process delineated clearly in the regulations for filing a formal complaint under Section 255. Additionally, the current pleading process in the regulations seems addressed only to carriers; AAPD notes that Section 255 pertains to more than carriers and includes all providers of telecommunications services and manufacturers of

¹ AAPD is unaware if reference is made indirectly to Section 255 in the regulations through the Federal Register citations in the printed regulations; this would be stretching to the limit the ability of consumers to read through regulations.

telecommunications equipment;² AAPD therefore recommends language in the regulations reflects this reality.

AAPD recommends a separate and new form for filing of Section 255 formal complaints; this would capture all the essential information needed for filing a Section 255 formal complaint. A form, and any accompanying instructions sheet, should make reference, in plain language, to the regulations for Section 255 (i.e., Parts 6 and 7). Instructions for filing of Section 255 formal complaints should explicate the filing process in plain language and the process by which any requirements -- for example, fees -- may be granted or waived by the Bureau (see Sections 6.21 and 7.21).

AAPD appreciates the opportunity to support the record on this topic that is of significance to millions of persons with disabilities in the U.S. who look to their federal government to ensure that regulations work in their public interest.

Sincerely,

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² See statute, Section 255(b), and Section 255 Report and Order (R&O), FCC 99-181, WT Docket 96-1998, released September 29, 1999, paragraphs 89-92.